

### REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This Supplemental Amendment and Request for Continued Examination is in response to the Office Action mailed September 13, 2007. Claims 10-20 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Applicant thanks the Examiner for the telephone discussion on January 24, 2008 regarding the pending application. Examiner pointed out that claim 23 may be allowable. In addition, the Examiner stated that he had 35 U.S.C. § 102 and 35 U.S.C. § 103 concerns about the independent claims.

Applicant has studied the prior art listed on the "Notice of Reference Cited". While the Examiner has not yet made any specific rejections over this prior art and the Applicant notes two items. The references of Huang (7,041,037) and Chuang (6,899,658) both have **later filing dates** than then present patent application.

The remaining references Wang (5,545,111), Chang (5,888,175), Chen (5,628,709) and Chen (6,102,833) do not anticipate or suggest the claimed subject matter of the present invention having "a pair of linkages each having joints disposed at each end of each linkage and attached individually to a footpad arm and interfaced with the exerciser base **at a point above the horizontal axle.**"

Applicant respectfully requests that the Examiner point out the specific references and elements in the references that concern the Examiner, if any remain, so that the issues may be addressed.

Claims 10-20 were originally presented. Claims 10-20 have been cancelled and previously replaced with claims 21-31 which contain the same subject matter as previous claims 10-20 but in amended format. New claim 29 has been added which is a combination of claims 10 and 11.

### CONCLUSION

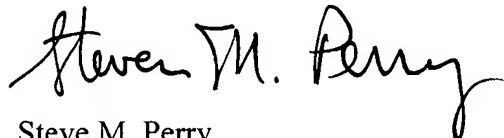
In light of the above, Applicant respectfully submits that pending claims 21-31 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any concerns to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve M. Perry at (801) 566-6633 so that such matters may be resolved quickly.

Check No. 30394 in the amount of \$575.00 is enclosed, which includes the RCE fee of \$405.00, and fees in the amount of \$170.00 pursuant to 37 C.F.R. § 1.17(a) (2), for a two month extension of time pursuant to 37 C.F.R. § 1.136. Fees in the amount of \$60.00 were previously paid for a one month extension which is applied to the two month extension.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 13th day of February, 2008.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve M. Perry". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Steve M. Perry  
Registration No. 45,357

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633